

REMARKS

The law firm of Harrington & Smith PC has been requested by the Assignee to assume responsibility for the further prosecution of this patent application. A Revocation of prior powers and an Appointment of new powers will be filed forthwith.

With regard to the objection to certain of the claims for the use of the phrase "configured to", and by example, The American Heritage College Dictionary, Fourth Edition (2007) defines "configure" and "configured" as: "To design, arrange, set up, or shape with a view to specific applications or uses". It is respectfully submitted that the use of the phrase "configured to" is not merely functional, and that it does provide a positive recitation. Further, MPEP 2106 does not refer to "configured to", but refers instead to "adapted to" and "adapted for", as well as "whereby" and "wherein". The same applies to MPEP 2111.04 that is referenced by MPEP 2106.

In the claims occurrences of the phrase "configured to" have been amended to the phrase "that is configured to", thereby providing an even more definitive recitation. Further, the phrase "configured to" has been removed from the preamble of claims 24, 25 and 26. For example, claim 24 now recites a "computer program embodied on a computer-readable medium, where execution of the computer program controls at least one processor to perform". Further, all occurrences of "whereby" and "wherein" in the claims have been removed.

Further, use of the suggested phrase "programmed to" may actually introduce ambiguity into certain language of the claims. For example, a "transmission unit" may in some cases comprise a transmitter that includes transmitter circuitry, which may not be literally "programmed to" perform its operation.

The Examiner is respectfully requested to reconsider and remove the objection to the claims for the use of the phrase "configured to".

In response to the 35 USC 101 rejection of claims 1, 10, 14 and 17 each of these claims has been

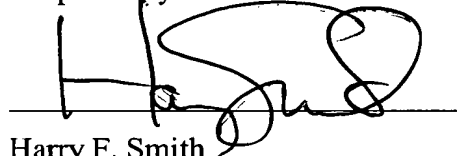
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amended to even more clearly tie the claim language to another statutory class. For example, claim 1 recites in part "generating with a computer a set of subscriber-specific authentication data blocks", and also recites "transmitting with a transmitter at least some of the challenges". The amendments made to these claims should render moot the rejection under 35 USC 101.

In addition, the claims have been amended as needed to provide any potentially missing antecedent basis, and to generally even further enhance the clarity of the claim language.

The Examiner is respectfully requested to reconsider and remove the expressed objection to and the rejection of the claims, and to allow all of the pending claims 1-30 as now presented for examination. An early notification of the allowability of claims 1-30 is earnestly solicited.

Respectfully submitted:



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8/3/2009 Clair F. Main
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